

86<sup>th</sup> Legislative Session – 2011

Committee: House Judiciary

Friday, February 25, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Abdallah  
P Boomgarden  
P Feinstein  
P Gibson  
P Hansen (Jon)  
P Killer  
P Kopp  
P Nelson (Stace)  
P Russell  
P Tornow  
P Turbiville  
P Gosch, Vice-Chair  
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Hunt.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 23, 2011

Moved by: Hansen (Jon)  
Second by: Tornow  
Action: Prevailed by voice vote.

Chair Hunt turned the gavel over to Vice-Chair Gosch.

SB 34: create the crime of possessing, selling, or distributing certain substances intended for the purpose of intoxication.

Presented by: Marty Jackley, Attorney General  
Proponents: Chuck Schroyer, SD States Attorneys Association

MOTION: DO PASS SB 34

Moved by: Abdallah  
Second by: Gibson  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch

Excused: Hunt

MOTION: PLACE SB 34 ON CONSENT CALENDAR

Moved by: Abdallah  
Second by: Feinstein  
Action: Prevailed by voice vote.

SB 35: revise certain provisions regarding the crime of taking pictures without consent and to provide for a felony penalty under certain circumstances.

Presented by: Marty Jackley, Attorney General  
Proponents: Chuck Schroyer, SD States Attorneys Association

MOTION: AMEND SB 35

35rc

On page 1, line 13, of the Senate Judiciary Committee engrossed bill, delete "with" and insert "or disseminated with".

Moved by: Tornow  
Second by: Feinstein  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 35 AS AMENDED

Moved by: Nelson (Stace)  
Second by: Hansen (Jon)  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch

Excused: Hunt

SB 101: provide a penalty for denying access to public records.

Presented by: Representative Charles Hoffman  
Proponents: Jeff Bloomberg, Bureau of Personnel  
David Bordewyk, SD Newspaper Association  
Yvonne Taylor, SD Municipal League  
Senator Al Novstrup

MOTION: DO PASS SB 101

Moved by: Hansen (Jon)  
Second by: Tornow  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 101 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gibson  
Second by: Feinstein  
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Feinstein, Gibson, Killer, Turbiville

Voting No: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch

Excused: Hunt

MOTION: DO PASS SB 101

Moved by: Hansen (Jon)  
Second by: Tornow  
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Gosch

Voting No: Feinstein, Gibson, Killer, Turbiville

Excused: Hunt

SB 81: require the Supreme Court to promulgate rules for parenting coordinators.

Presented by: Representative Peggy Gibson  
Proponents: Senator Joni Cutler

Opponents: Dianna Miller, SD Network Against Family Violence & Sexual Assault  
Greg Sattizahn, Unified Judicial System

MOTION: TO TABLE SB 81

Moved by: Russell  
Second by: Kopp  
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Boomgarden, Hansen (Jon), Kopp, Russell, Tornow

Voting No: Abdallah, Feinstein, Gibson, Killer, Nelson (Stace), Turbiville, Gosch

Excused: Hunt

MOTION: DO PASS SB 81

Moved by: Gibson  
Second by: Killer  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 81 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Tornow  
Second by: Hansen (Jon)  
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Boomgarden, Feinstein, Hansen (Jon), Kopp, Russell, Tornow

Voting No: Abdallah, Gibson, Killer, Nelson (Stace), Turbiville, Gosch

Excused: Hunt

MOTION: DO PASS SB 81

Moved by: Gibson  
Second by: Killer  
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Abdallah, Feinstein, Gibson, Killer, Nelson (Stace), Turbiville, Gosch

Voting No: Boomgarden, Hansen (Jon), Kopp, Russell, Tornow

Excused: Hunt

SB 80: apply certain provisions concerning actions for recovery of damages for personal injury or death to municipal officers, employees, and volunteers.

Presented by: Larry Nelson, SD Municipal League

MOTION: AMEND SB 80

80rb

On page 1, line 6, of the Senate Judiciary Committee engrossed bill, delete "current or former".

Moved by: Hansen (Jon)  
Second by: Gibson  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 80 AS AMENDED

Moved by: Gibson  
Second by: Killer  
Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Turbiville, Gosch

Excused: Feinstein, Tornow, Hunt

MOTION: ADJOURN

Moved by: Abdallah  
Second by: Gibson  
Action: Prevailed by voice vote.

Cindy Tryon  
Committee Secretary

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Roger W. Hunt, Chair